

INTERPLASTIC
CORPORATION

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Brathko - FYI

June 29, 1992

Mr. James McCann
Enforcement Unit
Regulatory Compliance Section
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

RECEIVED
JUL 6 7 1992
AIR ENFORCEMENT BRANCH
U.S. EPA, REGION V

RE: Notice of Violation
(Our File No. 9142.3-1)

Dear Mr. McCann:

The Minnesota Pollution Control Agency ("MPCA") recently issued Interplastic Corporation ("Interplastic") a Notice of Violation dated June 24, 1992 ("NOV"). This NOV relates to Interplastic's facility at 2015 Northeast Broadway Street in Minneapolis, Minnesota ("Facility").

The NOV arises out of an MPCA staff inspection of the Facility on May 8, 1992. According to the NOV, Interplastic has committed two violations:

- **Pilot Plant.** Interplastic asked the MPCA for permission to tie in the pilot plant at the Facility to our thermal oxidizer. The NOV alleges that Interplastic "commenced construction" before this permit was obtained.
- **Boilers.** The NOV further states that, as of May 8, 1992, Interplastic "had not applied for an air emission permit for the two boilers which are located at the Facility."

According to the MPCA, these actions violate Minnesota Statutes § 116.081 and Minnesota Rules §§ 7001.0030 and 7001.1210. Please consider this letter to be Interplastic's formal response to the NOV.

RESPONSE TO ALLEGED VIOLATIONS

There are actually *three* boilers at the Facility (north steam boiler, south steam boiler, and hot oil boiler). The NOV correctly states that Interplastic had not applied for a permit for these boilers as of May 8, 1992.

Interplastic's personnel were not aware that industrial boilers of this type were considered to be "emission sources." However, when we were so advised, Interplastic submitted the required permit request to the MPCA just 20 days later. Enclosed is a copy of our letter dated May 28, 1992. See: Exhibit A.

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With respect to the pilot plant, the fact is that Interplastic did apply for a permit. Enclosed is a copy of our letter to the MPCA dated March 24, 1992. *See:* Exhibit B. Please note that, pursuant to our discussions with the MPCA, a so-called "pronto permit" was requested at that time.

I do not want to get into an argument as to whether Interplastic has a right to hang pipe in our plant without consulting the MPCA. Legal semantics are beside the point because the NOV's allegation — "that a pipe had been constructed onto the exhaust point" of the pilot plant — is factually inaccurate:

- The conduit is actually 3 feet away from the pilot plant (so there is no physical connection of any kind at that end).
- The conduit is also 3½ feet away from the fan tie-in (so there is no physical connection to the thermal oxidizer either).

Interplastic's position in this matter was previously communicated to the MPCA. Enclosed is a copy of my letter to this effect dated June 5, 1992. *See:* Exhibit C. So the MPCA clearly had knowledge of these facts before it issued the NOV.

In any event, the MPCA took 21 days merely to *acknowledge* receipt of Interplastic's tie-in request. It is now over *three months*, and we still have no response to that request. This is disappointing; after all, everyone agrees that tying in the pilot plant to the thermal oxidizer will benefit the environment.

RESPONSE TO REQUIREMENTS

The NOV lists four "Requirements" which Interplastic must respond to "within ten days after the date of the NOV." This does not even include mailing time and, given the MPCA's own response delays, this seems to be a rather short deadline. Nevertheless, our responses are as follows:

1. **Boiler Application.** I have set forth above the reason "why a permit application was not submitted for the two [sic] boilers by May 8, 1992." Please also refer to our application letter to this effect dated May 28, 1992. *See:* Exhibit A.
2. **Future Compliance.** Now that Interplastic understands the MPCA's interpretation of the above-referenced rules, you can be assured that Interplastic will "ensure [that] future permit applications are submitted as required and [that] permits [are] obtained."
3. **Further Construction.** Even though it was Interplastic's attempt to expedite the tie-in of the pilot plant to the thermal oxidizer, please be assured that "no further construction will take place at the Facility until required permits have been obtained."
4. **Additional Applications.** This requirement — for Interplastic to "submit a complete permit application" regarding "all previously unidentified emission sources" — is no longer applicable, because it only applies if Interplastic has "not already done so."

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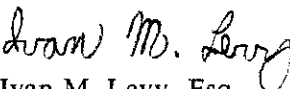
CONCLUSION

If given the choice, we would prefer that the MPCA's limited resources be devoted to tasks which benefit the environment — such as our "pronto permit" request — rather than NOV's of this type. However, while we disagree with your conclusion that these matters are "important" issues, we certainly agree with the MPCA's mission.

In the same way, we hope that the MPCA will understand Interplastic's desire to implement pollution control measures of this type as quickly as possible. Under the circumstances, anything you can do to expedite the "pronto permit" requested by Interplastic on March 24, 1992, would be greatly appreciated.

In any event, it remains Interplastic's policy to be a good environmental citizen in all respects. Furthermore, we intend to strive for cooperation with the MPCA, and you can be assured that our efforts in that regard will continue.

Sincerely yours,


Ivan M. Levy, Esq.

IML/mrg

Enclosures

cc: Shirley Mitchell, U.S. EPA Region V*
Ann Seha, Attorney General's Office*
Cynthia Kahrman, AQD* — File No. 1176
Amrill Okonkwo, AQD* — File No. 1176
Ann Foss, AQD* — File No. 1176

Charles Williams, Commissioner*

James D. Wallenfelsz
Robert A. DeRoma
Mark J. Brost
Robert C. Hoffman

* (with enclosures)